

U.S. Department of Labor

Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, Virginia 22209-3939



MAY 11 2012

MEMORANDUM FOR GWEN M. STROUD

Complaint Analysis Officer  
Office of the Inspector General

FROM:

*Patricia W. Silvey*  
PATRICIA W. SILVEY  
Deputy Assistant Secretary for Operations  
Mine Safety and Health

SUBJECT:

Allegation: Possible Employee Misconduct

I have attached an allegation of possible employee misconduct related to the Upper Big Branch Mine file. I request that the Department of Labor, Office of Inspector General, investigate this allegation.

Attachment

You can now file your MSHA forms online at [www.MSHA.gov](http://www.MSHA.gov). It's easy, it's fast, and it saves you money!

DLB-001538

May 10, 2012

Kevin,

I don't know if any of what I have been told is valid, or if this allegation has already been investigated. This is paraphrased and to the best of my memory.

Yesterday, while at the Academy, I encountered an employee who had previously worked at District 4, I . She discussed a current District 4 employee who had been asking advice about requesting a transfer to District 12. The conversation turned to what the District had been through with UBB and she mentioned how Joe Mackowiak switched those files after UBB and got away with it (paraphrased). We were interrupted and she walked away.

This morning around 9:30 to 10:00, I found her office and told her the employee interested in District 12 had contacted me. Then I told her that I had been concerned by her statement from the day before and asked her what files she was talking about. She said she regretted blurting that out.

She told me that after the explosion at UBB, Joe Mackowiak had (by instruction or personally?) removed the uniform mine file books for UBB mine and retrieved the field office mine file stamps. She indicated that the outdated plans were purged and that the more recent approved plans that had backlogged in the ventilation department were stamped with both district stamps and field office stamps. The stamped entry dates were backdated to make it appear the plans were already in the files prior to the explosion and the secretary's initials were forged. She believed the ventilation secretary was on maternity leave.

I asked her who would have knowledge of this other than her. She did not know if the field office secretaries would know, but indicated that (program analyst) and some of the vent specialists would. She thought (vent specialist) would.

I hope this is in error, but believe I am compelled to report this allegation.

Thank you,